THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.9379 of 2006

DATED:28.04.2006

Between:

M/s. Victory Alloy Steels Limited, Hyderabad, represented by its Chairman & M.D. Sri v.V.Naidu and others

..Petitioners

And

The Joint Collector, Ranga Reddy District, Hyderabad. and others.

..Respondents

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ORDER:

The first petitioner is a company. Petitioners 2 and 3 are allegedly the owners of land in survey No.830 situate at Medchal Village and Mandal in Ranga Reddy District, admeasuring about Acs.9.30 guntas. It is the case of the petitioners that the land originally belongs to one Kaitha Lachiga, a protected tenant, who obtained ownership certificate under Section 38-E of the Andhra Pradesh (Telangana Area) Tenancy & Agricultural Lands Act, 1950 ('the Act', for brevity), by reason of the proceedings, dated 12.01.1982. According to the petitioners, the legal representatives of Kaitha Lachiga, namely Kaitha Rajaiah and six others, sold the land either to the first petitioner or the second petitioner under registered sale deeds for valuable consideration and they are in possession of the same. It is alleged that

the legal representatives of the protected tenant so as to deprive the petitioners of their right, filed an application under Section 32 of the Act in 1992 for restoration of possession and the same was dismissed by the Mandal Revenue Officer, which was also affirmed by the Joint Collector on 15.07.2003. It is alleged that the legal representatives of the protected tenant having lost the case before the authorities under the Act, instigated respondents 4 to 6 to file an application before the third respondent for mutation of their names under the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971. The Mandal Revenue Officer entertained the application and issued a notice bearing No.B/1485/2005, dated 12.12.2005. Aggrieved by such notice, the present Writ Petition is filed. The petitioners contend that the third respondent acted without jurisdiction in entertaining the application filed by respondents 4 to 6 at the behest of the legal representatives of the protected tenant.

The third respondent issued the notice on 12.12.2005 posting the matter on 17.12.2005. According to the learned counsel, the petitioners appeared before the Mandal Revenue Officer and placed their objections by way of explanation. The enquiry is still pending. Therefore, if at this stage the various questions that are raised are adjudicated by this Court, it would prejudice the rights of the applicants before the Mandal Revenue Officer. Therefore, this Court is not inclined to interfere at this stage. Liberty is given to the petitioners to approach the third respondent and place all the relevant material and judgments of the Courts and other authorities in support of their claim, if not already placed. The Mandal Revenue Officer is directed to dispose of the matter within a period of six weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

28.04.2006

GJ